

Message Text

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INFO AMEMBASSY ISLAMABAD

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AMEMBASSY NEW DELHI

AMCONSUL CALCUTTA

C O N F I D E N T I A L SECTION 1 OF 2 DACCA 3603

E.O. 1162: GDS

TAGS: PFOR BG PK IN

SUBJECT: REACTIONS IN BANGLADESH TO THE INDO-PAK TALKS

REF: ISLAMABAD 6209

1. SQMMARY: WITH SHEIKH MUJIB AND TOP FOREIGN MINISTRY OFFICIALS OUT OF THE COUNTRY, IT IS TOO EARLY TO JUDGE DEFINITELY HOW THE BDG WILL REACT TO THE JULY ROUND OF INDO-PAKISTANI TALKS IN ISLAMABAD. THE LOCAL PRESS HAS COVERED HEAVILY THE PRIME MINISTER'S REASON-ABLY MILD REMARKS IN BELGRADE AND OTTAWA BUT HAS NOT SPECULATED ON HOW THE GOVERNMENT SHOULD OR WILL REACT. GOVERNMENT OFFICIALS ARE EQUALLY CAUTIOUS. THERE IS HOWEVER A GROWING FEAR FOLLOWING THE HAKSAR TALKS THAT BANGLADESH IS BEING CAST INTERNATIONALLY AS THE SOLE OBSTRUCTIONIST TO A SUBCONTINENT SETTLEMENT. SINCE THE JOINT DECLARATION IN APRIL, BDG CONSIDERED THE ONUS OF GUILT TO BE ON BHUTTO BUT MAY NOW FEEL IT IS SHIFTING TO THEMSELVES. THOUGH INDICATIONS HERE ARE CONTRADICTORY, THE BDG MAY NOW BE PREPARED TO BE SOMEWHAT MORE FLEXIBLE ON KEY
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ISSUES OF A SETTLEMENT THEREBY SUSTAINING THE MOMENTUM

OF NEGOTIATIONS.

2. MUJIB'S OWN POSITION ON THE WAR CRIMES TRIALS WILL BE MOST IMPORTANT. EAGER TO DEVELOP RELATIONS WITH THE PRC AND ANXIOUS TO PROVE HIMSELF REASONABLE, AND HUMANE BEFORE THE FORTHCOMING NON-ALIGNED CONFERENCE AND THE UNGA, MUJIB COULD SUFFICIENTLY TEMPORIZE ON THE TIMING OF TRIALS TO PERMIT TALKS TO CONTINUE. THE TRIALS ISSUE IS A SENSITIVE LOCAL ONE AND MUJIB IS RESPONSIVE TO HIS DOMESTIC CONSTITUENCY. HE WILL NOT EASE HIS GOVERNMENT'S PRESENT STAND UNTIL HE HAS HAD FULL OPPORTUNITY TO GAUGE BENGALIEE OPINION. END SUMNWRY.

3. CENTRAL TO THE BDG RESPONSE IS THE ISSUE OF WAR CRIMES TRIALS. THE GOVERNMENT'S MARGIN FOR MANEUVER IS SLIGHT. IN THE PAST SEVERAL WEEKS THE TRIALS HAVE ONCE AGAIN BECOME A DOMESTIC POLITICAL ISSUE. MAULANA BHASHANI AT A PUBLIC RALLY JULY 29 REPORTED LOCALLY TO HAVE SAID THAT SINCE ALL POWS ARE GUILTY, TRYING ONLY 195 IS A MOCKERY AND THAT GOVERNMENT SHOULD TRY ALL POWS IF IT CAN. THE NATIONAL AWAMI PARTY (NAP/B) VICE CHAIRMAN DR. ALEEM AL-RAZEE PUBLICLY INSISTED THE GOVERNMENT PUBLISH THE NAMES OF THE 195 WAR CRIMINALS AND HOLD TRIALS IMMEDIATELY. THE AWAMI YOUTH LEAGUE GENERAL SECRETARY HAS ALSO URGED BDG TO SET EARLY, SPECIFIC DATE FOR TRIALS. BENGALIEESIN DISCUSSION AND IN SOME EDITORIALS, CALLING NEITHER FOR EXPEDITING OR POSTPONING TRIALS, EMPHASIZE THE DELEMMA THE GOVERNMENT FACES IN WANTING JUSTICE FOR THE VICTIMS OF PAKISTANI OPPRESSION AND ITS DESIRE FOR RETURN OF BENGALIEES.

4. ONLY THE INDIAN PRESS HAS CARRIED REPORTS THAT PRESSURES ARE MOUNTING INTERNALLY ON SHEIKH MUJIB TO SET TRIALS ASIDE IN FAVOR OF REPATRIATING BENGALIEES IN PAKISTAN. INDIAN PRESS ACCOUNTS OF RECENT BHASHANI STATEMENTS ALLOW THE MAULANA HAS REALIZED MUJIB'S VULNERABILITY ON THE STRANDED BENALEE ISSUE AND HAS SUGGESTED TRIALS ARE NOT WORTH DELAYING THEIR RETURN. CONFIDENTIAL

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THE INDIAN DEPUTY HIGH COMMISSIONER J. N. DIXIT AGREES WITH THE ASSESSMENT OF MUJIB'S VULNERABILITY.

5. DIXIT SEES BHASHANI'S COMMENTS AS REPRESENTATIVE OF GROWING PUBLIC PRESSURE ON THE SHIEKH TO GET BACK THE BANGALEES. FROM WHAT WE HAVE OBSERVED DIXIT'S THINKING IS WISHFUL AND REFLECTS MORE HIS GOVERNMENT'S DESIRE TO FIND A WAY OUT OF THE CURRENT IMPASSE THAN

IT DOES A DETACHED APPRAISAL OF BENGALIEE OPINION. THE EXPERIENCED AND KNOWLEDGABLE AUSTRALIAN HIGH COMMISSIONER ALLEN DISMISSES THE INDIAN VIEW THAT SHEIKH MUJIB IS UNDER IMPORTANT PRESSURE TO DROP THE TRIALS. WAR CRIMES VICTIMS AND RELATIVES OF DETAINED BENGALIEES ARE LARGELY SEPARATE GROUPS. THE FORMER GREATLY OUTNUMBER THE LATTER. WHILE BENGALIEES ARE QUIESCENT NOW, AN EXPLOSIVE SITUATION WOULD RESULT IF MUJIB OVERLY TEMPORIZED. BHASHANI WOULD BE AMONG FIRST TO CONDEMN HIM.

6. BDG CANNOT COMPROMISE THE PRINCIPLE OF TRIALS. INTRODUCTION OF AN AMENDMENT TO THE CONSTITUTION AND THE PAFEEAGE OF WAR CRIMES LEGISLATION IN MID JULY JUST AFTER HAKSAR'S DACCA VISIT SHOULD HAVE BEEN A SIGNAL TO BOTH INDIAN AND PAKISTAN THAT THE BDG COULD NOT TURN BACK ON THIS ISSUE. NEVERTHELESS, THE BDG MAY BE WILLING TO DELAY TRIALS SUFFICIENTLY TO PERMIT NEGOTIATIONS TO CONTINUE. IN A RECENT CONVERSATION WITH EMBASSY OFFICERS KAISER MURSHED, MFA DIRECTOR-GENERAL, SUBCONTINENTAL AND LEGAL AFFAIRS, EXPLAINED THAT ALTHOUGH WITH MUJIB AWAY HE WAS NOT AWARE OF OFFICIAL REACTION TO ISLAMABAD TALKS, IT WAS HIS PERSONAL OPINION THAT IF THE ISSUE OF TRIALS WAS PUT TO ONE SIDE, SOME EXCHANGE OF POPULATIONS TO IMPROVE THE ATMOSPHERE WAS A POSSIBILITY. IN MENTIONING THAT WORLD WAR II WAR CRIMES TRIALS ARE STILL CONTINUING, MURSHED IMPLIED POSTPONEMENT WOULD NOT COMPROMISE BDG'S PRINCIPLE THAT UNDER INTERNATIONAL LAW IT HAS RIGHT TO TRY WAR CRIMINALS. TO REINFORCE HIS POINT MURSHED ARGUED THAT THE BDG HAD CONSISTENTLY TRIED TO SEPARATE THE HUMANITARIAN ISSUE FROM THAT OF TRIALS AND HAD ONLY MENTIONED WAR CRIMES IN THE APRIL 17 COMMUNIQUE AND ANNOUNCED THE NUMBER OF 195 TO BE TRIED TO SHOW
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PAKISTAN HOW LIMITED BANGLADESH'S DEMANDS WERE.

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7. DIXIT ALSO BELIEVES THAT BDG WILL HOLD THE TRIALS BUT NOT FOR SOME MONTHS. LAWYERS HAVE BEEN ASSIGNED TO PREPARE THE CASES AND GOI HAS BEEN ASKED TO SUPPLY CERTAIN DOCUMENTS OF THE WAR PERIOD. HOWEVER, SOME LAW MINISTRY OFFICIALS HAVE TOLD DIXIT THAT BDG WOULD NEVER GET CONVICTIONS WITH THE PRESENT DOSSIERS. A FURTHER REASON FOR DELAY, IN DIXIT'S OPINION, IS BDG'S DESIRE NOT TO TARNISH ITS IMAGE AT THE ALGIERS NON-ALIGNED CONFERENCE. IN ADDITION HE NOTES INSISTENCE ON EARLY TRIALS WOULD RULE OUT OR JEOPARDIZE ANY CHANCES OF BANGLADESH'S GAINING UN MEMBERSHIP THIS FALL. MURSHED'S REFERENCE TO THE FLEXIBILITY OF HIS GOVERNMENT'S POSITION ON THE DATE FOR TRIALS IS AMPLY SUPPORTED BY PAST BDG PERFORMANCE. THE FOREIGN MINISTER HAS MENTIONED TWO DATES IN 1973 BUT NEITHER HAS WORKED OUT. IN A LATE JULY PRESS CONFERENCE WITH INDIAN JOURNALISTS THE PRIME MINISTER REFUSED TO SET A DATE.

8. APART FROM THE TRIALS THE OTHER ISSUES OF SETTLEMENT ARE EASIER TO COMPROMISE. THE AUSTRALIAN HIGH COMMISSIONER POINTS OUT THAT THE BDG WILL EVENTUALLY HAVE TO GIVE ON BOTH THE SUBJECT OF RETENTION OF CONFIDENTIAL

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"TREASONOUS" BENGALLEES IN PAKISTAN AND BIHARI REPATRIATION. THIS WOULD BE HARD FOR THE BDG TO SWALLOW BUT PAKISTAN IS UNLIKELY TO GIVE THEM MUCH CHOICE. ON THE "BIHARI" ISSUE KAISER MURSHED ALLOWS BHUTTO CANNOT IMPLICITLY ADMIT THE PRINCIPLE OF CITIZENSHIP BY CLAIMING THE RIGHT TO TRY THE BENGALLEES FOR TREASON AND AT THE SAME TIME REJECT THE CLAIM OF 260,000 BIHARIS TO PAK NATIONALITY. MURSHED ADDED THAT HIS GOVERNMENT

REALIZES ASSIMILATING BIHARIS WILL NOT BE WITHOUT PROBLEMS FOR PAKISTAN AND INFERRED THAT THE BDG MIGHT BE PREPARED TO DISCUSS A LIBERAL SCHEDULE OF EXCHANGES. IN RETURN THE BDG WOULD PRESS FOR PAKISTANI ACCEPTANCE OF THE RIGHT OF CITIZENSHIP FOR ALL BIHARIS WHO SEEK TO RETURN TO PAKISTAN. BANGLADESH WOULD STAND BY THE 260,000 FIGURE AND NOT RETURN ANY OTHER NON-BENGALEES. WHAT THE BDG WANTS, ACCORDING TO MURSHED, IS TO START THE PROCESS OF A HUMANITARIAN SETTLEMENT AND BELIEVES LIMITED EXCHANGES WOULD GET THE BALL ROLLING.

9. THUS, THE CRITICAL UNKNOWN HERE IS SHEIKH MUJIB'S RESPONSE TO THE HAKSAR TALKS, HIS PUBLIC STATEMENTS ABROAD HAVE FOLLOWED A STANDARD BDG POSITION BUT HE HAS MADE NO COMMENT ON THE TALKS SPECIFICALLY. HIS TONE SO FAR HAS BEEN RESTRAINED, NO DOUBT INFLUENCED BY HIS DESIRE TO APPEAR REASONABLE AMONG HIS COMMON-WEALTH COLLEAGUES. THE PRESENCE OF INTERNATIONAL FORUMS AS WELL AS INDIA'S DESIRE TO SEE A COMPROMISE SHOULD CONTINUE TO INFLUENCE HIS STAND. HE IS LOOKING FORWARD TO JOINING THE NON-ALIGNED IN ALGIERS AND WILL WISH TO APPEAR TO BE REASONABLE AND HUMANITARIAN THERE. HE STRONGLY WISHES UN MEMBERSHIP AND PROBABLY REALIZES THAT INSISTENCE ON EARLY TRIALS OR OBSTRUCTION OF INDIAN TALKS WITH PAKISTAN WOULD CANCEL ANY HOPE OF BANGLADESH GAINING ADMISSION THIS YEAR. MOREOVER HIS HEART IS SET ON BETTER RELATIONS WITH THE PRC AND PROGRESS IN REACHING AGREEMENT WITH PAKISTAN MAY MAKE THIS POSSIBLE.

10. IF MUJIB IS GOING TO BE FLEXIBLE THE PRESENT COINCIDENCE OF INTERNATIONAL EVENTS PROVIDES AN UNUSUALLY FAVORABLE SETTING FOR HIS DECISION. FOR THIS REASON WE ARE TEMPERING OUR ACCUSTOMED PESSIMISM. NEVERTHELESS, CONFIDENTIAL

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IN LARGE MEASURE DUE TO MUJIB'S OWN AGITATION THE TRIALS ARE EXPLOSIVE DOMESTICALLY. PRIME MINSTER IS ACUTELY SENSITIVE TO HIS CONSTITUENCY AND WILL TEST IT CAREFULLY BEFORE MAKING UP HIS MIND. RECENT RESOUNDING BY-ELECTION VICTORIES ARE NOT ENOUGH TO COMFORT HIM. SHOULD HE DECIDE FLEXIBILITY ON THE TRIALS WOULD TARNISH HIS BENGALEE IMAGE, HE COULD EASILY UPSET OUR ESTIMATE AND BY SETTING A DATE FOR TRIALS, BREAK THE MOMENTUM OF THE HAKSAR TALKS. EQUALLY SHOULD THE PAKS INSIST ON TRANSFERRING FURTHER DISCUSSIONS OF BIHARIS AND TRIALS TO A BILATERAL GOP-BDG FORUM AS THE REFERENCE TELEGRAM SUGGESTS, THEY WOULD SORELY TEMPT MUJIB TO REVIVE THE PRIOR RECOGNITION QUESTION AND IN SO DOING RELINK POLITICAL AND HUMANITARIAN ISSUES. NEWBERRY

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